

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Welker	Team: Team # 4	CCRB Case #: 201016250	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/25/2010 1:00 PM	Location of Incident: § 87(2)(b)	Precinct: 76	18 Mo. SOL 5/25/2012	EO SOL 5/25/2012	
Date/Time CV Reported Fri, 11/26/2010 12:30 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 11/26/2010 12:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Patrick Quigley	00005	934081	076 PCT
2. POM Ali Hammutoglu	30112	938636	076 PCT
3. POM Tsz Kwan	07464	935140	076 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Andrea Cox	06276	929131	076 PCT
2. POF Florence Delince	08216	938478	076 PCT
3. POM Julius Leung	00564	937827	076 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Patrick Quigley	Force: Sgt. Patrick Quigley used a taser on § 87(2)(b)	§ 87(2)(b)
B.POM Tsz Kwan	Force: PO Tsz Kwan used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Ali Hammutoglu	Force: PO Ali Hammutoglu used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On November 26, 2010, § 87(2)(b) filed a complaint with the CCRB in-person on behalf of her brother, § 87(2)(b) (encl. 4A-4B).

On November 25, 2010, officers from the 76th Precinct responded to a 911 call regarding a violent emotionally disturbed person at § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A-Force:** Sgt. Patrick Quigley used a taser on § 87(2)(b) § 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- **Allegation B-Force:** PO Tsz Kwan used physical force against § 87(2)(b)
- **Allegation C-Force:** PO Ali Hammutoglu used physical force against § 87(2)(b)
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

- § 87(2)(b) § 87(2)(b)
§ 87(2)(b)

CCRB Statement

On November 26, 2010, the CCRB interviewed § 87(2)(b) (5A-5C). On November 25, 2010, at approximately 1:00 p.m., § 87(2)(b) became upset with § 87(2)(b) about money in their apartment at § 87(2)(b) in Brooklyn. § 87(2)(b) began breaking and kicking things in the apartment. § 87(2)(b) called 911 for an ambulance because § 87(2)(b) was being violent. § 87(2)(b) suffers from Schizophrenia and he has been hospitalized in the past for going through similar episodes. Two officers, identified by their shields as PO Andrea Cox and PO Florence Delince of the 76th Precinct, arrived at the apartment. § 87(2)(b) told the officers that § 87(2)(b) needed to leave because he was acting violent. PO Cox and PO Delince walked with § 87(2)(b) out of the apartment. § 87(2)(b) heard § 87(2)(b) yelling, “Just don’t touch me...leave me alone...let me get my stuff.” § 87(2)(b) also yelled, “Don’t fucking touch me.” § 87(2)(b) described § 87(2)(b) as acting “hype” and “crazy.” § 87(2)(b) initially said that she didn’t see what happened in the hallway and later said that she was in a position in the apartment to see what was going on in the hallway through the front door. An officer, identified by the investigation as Sgt. Patrick Quigley of the 76th Precinct, tasered § 87(2)(b) and he fell to the ground. She was unable to say specifically what happened before § 87(2)(b) was tasered. After § 87(2)(b) was tasered officers placed § 87(2)(b) in handcuffs and escorted him out of the building.

Victim: § 87(2)(b)

- § 87(2)(b) is § 87(2)(b)
§ 87(2)(b) § 87(2)(b) *has schizophrenia and bipolar disorder,* § 87(2)(b)
§ 87(2)(b)

CCRB Statement

On December 13, 2010, the CCRB interviewed § 87(2)(b) (encl. 6A-6E). On November 25, 2010, § 87(2)(b) did not take his medication. At approximately 1:00 p.m. § 87(2)(b) got mad at § 87(2)(b) because she would not give him money. § 87(2)(b) kicked § 87(2)(b) bedroom door and it broke. § 87(2)(b) called an ambulance for § 87(2)(b) because he was so upset. PO Cox and PO Delince arrived at the scene and asked § 87(2)(b) to step out into the hallway with them, which he did. Additional officers, identified by the investigation as PO Ali Hammutoglu, Sgt. Patrick Quigley, PO Tsz Kwan, and PO Julius Leung of the 76th Precinct, were in the hallway. The officers did not issue any instructions to § 87(2)(b) or ask him any questions. PO Hammutoglu immediately approached § 87(2)(b) and grabbed his arm. § 87(2)(b) said, “Get off of me.” He pulled his arms away from the officer. Sgt. Quigley then tasered § 87(2)(b) and he fell on the ground. The officers then handcuffed him. PO Hammutoglu and Sgt. Quigley pulled and dragged § 87(2)(b) out of the building to an ambulance. § 87(2)(b)s feet and legs were dragging on the ground. § 87(2)(b) did not resist going to the ambulance with the officers. § 87(2)(b) was escorted to § 87(2)(b) Hospital. He was treated for the taser darts and medicated for his schizophrenia. § 87(2)(b) was not arrested and he was later released from the hospital.

Witness: § 87(2)(b)

Phone Statement

On January 7, 2011, the CCRB spoke with § 87(2)(b) over the phone (encl. 7A). § 87(2)(b) is § 87(2)(b)s sister. On November 25, 2011, § 87(2)(b) was upset with § 87(2)(b) and he kicked doors and threw objects in the apartment. § 87(2)(b) was in the apartment and she called the police. § 87(2)(b) and § 87(2)(b) stood in the doorway in the hallway when officers arrived and were speaking with § 87(2)(b) was yelling and crying. He tried to leave by going towards the exit door. Officers blocked the door and § 87(2)(b) became mad. He was trying to explain the situation to the officers and was using his hands in an expressive manner close to an unidentified officer's face. At that point Sgt. Quigley tasered § 87(2)(b).

Attempts to Contact Civilians

On January 5, 2011, and January 26, 2011, the CCRB sent please call letters to § 87(2)(b)s mother. Between January 5, 2011, and February 3, 2011, the CCRB called § 87(2)(b) five times and left message asking to please call back. She has not responded to the CCRB (encl. 16A-16H).

NYPD Statements:

Subject Officer: PO ALI HAMMUTOGLU

- PO Hammutoglu is a § 87(2)(b)
- On November 25, 2010, PO Hammutoglu was scheduled to work sector patrol with PO Leung from 7:05 a.m. to 3:40 p.m. He was dressed in uniform and assigned to a marked vehicle.

Memo Book

PO Hammutoglu has the following memo book entries regarding this incident (encl. 8A-8C). “1316: Backing 76E on EDP § 87(2)(b)

CCRB Statement

On March 8, 2011, the CCRB interviewed PO Ali Hammutoglu of the 76th Precinct (encl. 8D-8E). On November 25, 2010, PO Hammutoglu and PO Leung responded to a radio run regarding a violent EDP at § 87(2)(b) in Brooklyn. PO Cox and PO Delince arrived with PO Hammutoglu and PO Leung at the scene. When PO Hammutoglu arrived he heard screaming and yelling inside of the apartment. He entered the apartment and asked what was going on. PO Hammutoglu was told that § 87(2)(b) was not taking his medication and that he was going crazy. § 87(2)(b)'s family members said that he was throwing and breaking objects in the apartment. PO Hammutoglu called § 87(2)(b)'s name and asked him to come out of the room where he was. § 87(2)(b) exited the room. He appeared to be agitated and aggressive. He was yelling and cursing. PO Hammutoglu did not feel safe with § 87(2)(b) in the apartment, so he tried to coax § 87(2)(b) out into the hallway. § 87(2)(b) refused to exit into the hallway. § 87(2)(b) was walking back and forth in an aggressive manner. After approximately one minute, PO Hammutoglu was able to get § 87(2)(b) out of the apartment and into the hallway. Sgt. Quigley and PO Kwan arrived at the scene. PO Hammutoglu told § 87(2)(b) that they were going to take him to the hospital and that an ambulance was waiting outside. § 87(2)(b) said "hell no, fuck no" and he refused to go to the hospital. § 87(2)(b) was moving his arms in the air and he said, "You have to beat me up to take me, I am not going." Sgt. Quigley asked § 87(2)(b) what was going on and why he hadn't taken his medication. § 87(2)(b) said, "Who the fuck are you, don't talk to me." § 87(2)(b) pushed Sgt. Quigley and officers attempted to grab his arms. § 87(2)(b) seemed like he was about to fight with the way that he pushed Sgt. Quigley. Sgt. Quigley tasered § 87(2)(b) and he fell onto PO Hammutoglu. PO Kwan and PO Hammutoglu carried § 87(2)(b) out of the building to an ambulance because he was uncooperative. His feet and legs were not touching the floor. The officers did not drag him to the ambulance.

Subject Officer: SGT. PATRICK QUIGLEY

- *Sgt. Quigley is a § 87(2)(b)*
- *On November 25, 2010, Sgt. Quigley was scheduled to work sector patrol as patrol supervisor with PO Kwan from 12:55 a.m. to 3:52 p.m. He was dressed in uniform and assigned to a marked vehicle.*

CCRB Statement

On February 19, 2011, the CCRB interviewed Sgt. Patrick Quigley (encl. 9A-9E). On November 25, 2010, at approximately 1:00 p.m. Sgt. Quigley and PO Kwan responded to § 87(2)(b) regarding a violent EDP who was breaking objects in the apartment. When Sgt. Quigley responded to the scene, PO Hammutoglu and PO Leung were in the hallway with § 87(2)(b). § 87(2)(b) was screaming and his fists were clenched. Sgt. Quigley was informed that § 87(2)(b) had a history of mental illness. The apartment door was open and § 87(2)(b) was making threatening comments to his mother that he was going to physically harm her and break objects in the apartment. Sgt. Quigley informed § 87(2)(b) that they were going to take him to the hospital for an evaluation and that they needed to handcuff him. § 87(2)(b) refused verbally by saying that he wasn't going to the hospital and that he did not want to be placed in handcuffs. PO Hammutoglu and PO Leung grabbed § 87(2)(b)'s arms to place him in handcuffs. § 87(2)(b) broke free from their grip and turned towards the apartment door which was open. Sgt. Quigley and other officers issued commands to § 87(2)(b) to stop, but he did not comply. Sgt. Quigley tasered § 87(2)(b) and he fell to the ground. § 87(2)(b) was compliant after he was tasered and the officers handcuffed him. Sgt. Quigley did not feel like he could have used any other

technique to overcome § 87(2)(b)'s resistance. Sgt. Quigley did not recall who escorted § 87(2)(b) out of the location. Sgt. Quigley did not drag § 87(2)(b) on the ground, nor did other officers.

Subject Officer: PO TSZ KWAN

- *PO Kwan is a § 87(2)(b)*
- *On November 25, 2010, PO Kwan was scheduled to work sector patrol with Sgt. Quigley from 7:05 a.m. to 3:40 p.m. He was dressed in uniform and assigned to a marked vehicle.*

CCRB Statement

On March 8, 2011, the CCRB interviewed PO Kwan of the 76th Precinct (encl. 10A-10E). On November 25, 2010, at approximately 1:00 p.m. PO Kwan and Sgt. Quigley responded to a radio call regarding a violent EDP at § 87(2)(b) in Brooklyn. PO Hammutoglu was speaking with § 87(2)(b) who seemed upset and agitated. Sgt. Quigley approached § 87(2)(b) and told him that he had to go to the hospital. When Sgt. Quigley attempted to grab § 87(2)(b)'s arm to take him to the hospital, § 87(2)(b) pulled away and flailed his arms. PO Kwan turned his attention away from § 87(2)(b) and Sgt. Quigley and heard the taser discharge. Officers picked § 87(2)(b) up and handcuffed him. Then PO Kwan and an unidentified officer escorted § 87(2)(b) out of the building. He was generally compliant while exiting the building and he was walking with the officers. PO Kwan did not drag § 87(2)(b) on the ground, nor did other officers.

Witness Officer: PO ANDREA COX

- *PO Cox is a § 87(2)(b)*
- *On November 25, 2011, PO Cox was scheduled to work sector patrol with PO Delince from 7:05 a.m. to 3:40 p.m. She was dressed in uniform and assigned to a marked vehicle.*

CCRB Statement

On February 25, 2011, the CCRB interviewed PO Andrea Cox (encl. 11A-11D). On November 25, 2011, at approximately 1:00 p.m. PO Cox and PO Delince responded to a radio call regarding a violent EDP at § 87(2)(b), § 87(2)(b). PO Cox and PO Delince entered the apartment with PO Hammutoglu and PO Kwan. PO Cox corroborated PO Hammutoglu's statement regarding § 87(2)(b)'s behavior in the apartment. PO Hammutoglu and PO Kwan coaxed § 87(2)(b) out of the apartment and into the hallway. PO Cox stood in the doorway of the apartment and spoke with the mother, identified by the investigation as § 87(2)(b). Her back was turned to the officers and § 87(2)(b) in the hallway. PO Cox did not see the interaction between officers and § 87(2)(b). She heard § 87(2)(b) state that he wanted his coat. Officers told § 87(2)(b) to stop fidgeting and turn around, which he refused to do. PO Delince then heard the crack of the taser. PO Cox exited the building with § 87(2)(b) and officers. PO Cox did not see officers drag § 87(2)(b) on the ground.

Witness Officer: PO FLORENCE DELINCE

- *PO Delince is a § 87(2)(b)*
- *On November 25, 2010, PO Delince was scheduled to work sector patrol with PO Cox from 7:00 p.m. to 3:40 p.m. She was dressed in uniform and assigned to a marked vehicle.*

CCRB Statement

On February 15, 2011, the CCRB interviewed PO Florence Delince (encl. 12A-12E). On November 25, 2010, PO Delince responded to § 87(2)(b) regarding an emotionally disturbed person. PO Delince corroborated PO Hammutoglu's statement regarding § 87(2)(b)'s behavior when they arrived at the scene. PO Delince stayed inside of the apartment with PO Cox and § 87(2)(b)'s family members while other officers spoke with § 87(2)(b) in the hallway. PO Cox's back was turned to the officers and § 87(2)(b) in the hallway and she was focusing on keeping the family members in the apartment. She heard Sgt. Quigley say, "Watch my back." She did not hear any other commands in the hallway. She then heard the taser go off. PO Delince and PO Cox stayed inside the apartment with the family members while the other officers escorted § 87(2)(b) out of the building and into an ambulance.

Witness Officer: PO JULIUS LEUNG

- *PO Leung is a § 87(2)(b)*
- *On November 25, 2010, PO Leung was scheduled to work sector patrol with PO Hammutoglu from 7:05 a.m. to 3:40 p.m. He was dressed in uniform and assigned to a marked vehicle.*

CCRB Statement

On March 8, 2011, the CCRB interviewed PO Julius Leung of the 76th Precinct (encl. 13A-13C). On November 25, 2010, PO Leung and PO Hammutoglu responded to a radio run regarding a violent EDP at § 87(2)(b) in Brooklyn. PO Leung corroborated PO Hammutoglu's statement regarding § 87(2)(b)'s behavior when they arrived. Once § 87(2)(b) exited the apartment, PO Hammutoglu and PO Leung spoke with him for about five minutes. He was still angry and screaming in the hallway. When Sgt. Quigley attempted to place § 87(2)(b) in handcuffs, he pushed Sgt. Quigley's arm away. § 87(2)(b) was acting violent and flailing his arms. Officers surrounded § 87(2)(b) but they did not use any other techniques to overcome his resistance. PO Leung did not recall if officers issued any commands to § 87(2)(b). Sgt. Quigley tasered § 87(2)(b) and he fell onto PO Hammutoglu. § 87(2)(b) was still upset but he did not continue to resist being placed in handcuffs. Unidentified officers escorted § 87(2)(b) out of the building. Officers did not drag § 87(2)(b) out of the building.

Medical Records

The ambulance call report for § 87(2)(b) indicates that he was uncooperative and combative. Police officers informed the EMTs that § 87(2)(b) had been tasered. § 87(2)(b) was escorted in the ambulance to § 87(2)(b) Hospital. The medical records indicate that § 87(2)(b) had not taken psychiatric medication and became violent with his mother. § 87(2)(b) was tasered by police officers. § 87(2)(b) was diagnosed with ineffective coping and non-compliance. He was later released with medication for his bipolar disorder (encl. 14A-14X).

NYPD Documents

Sprint

The sprint indicates that an unidentified female called 911 regarding an 18-year-old male, who was breaking things and trying to break a door down. The caller reported that the male was "very violent" and unknown weapons were involved (encl. 15A).

AIDED Report

The AIDED report indicates that § 87(2)(b) was arguing with his sisters and that he started breaking things in his house. § 87(2)(b) is Bipolar and not taking his medication. § 87(2)(b) was tasered. No additional information was provided (encl. 15P).

Taser Report

The taser report indicates that § 87(2)(b) refused to be handcuffed. He broke free from an officer's grip and attempted to run back into the apartment. Sgt. Quigley tasered § 87(2)(b) and taser darts went into chest. Captain Finn determined that the use of the taser was within departmental guidelines given the combination of § 87(2)(b)'s mental history, his refusal to comply with verbal orders, his physical resistance to being handcuffed, and his attempt to flee back into the apartment where he might have access to weapons (encl. 15Q).

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of March 23, 2011, with regard to the incident (encl. 17A).

Civilian Criminal History

- As of March 31, 2011, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) (encl. 16H).

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 3A-3B).

Subject Officer CCRB History

- Sgt. Quigley has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 2A).
- PO Hammutoglu has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 2B).
- PO Kwan has been a member of the service for six years and he had four substantiated CCRB allegations against him in case 200711532, for which he received charges. There are no additional substantiated CCRB allegations against him (encl. 2C).

Conclusion

Identification of Subject Officer

- Sgt. Quigley admitted to using a taser against § 87(2)(b). Allegation A was therefore pleaded against Sgt. Quigley.
- PO Hammutoglu matches the description that § 87(2)(b) provided of the officer who dragged him. PO Kwan and PO Hammutoglu admitted to escorting § 87(2)(b) out of the building. Allegation B was therefore pleaded against PO Kwan and Allegation C was pleaded against PO Hammutoglu.

Investigative Findings and Recommendations

Allegation A-Force: Sgt. Patrick Quigley used a taser on § 87(2)(b)

It is undisputed that § 87(2)(b)'s mental condition at the time of the incident was that of an emotionally disturbed person and he had been acting violent. § 87(2)(b) admitted that he pulled his arms away from officers when they attempted to handcuff him. § 87(2)(b) heard § 87(2)(b) yell, "Don't fucking touch me." § 87(2)(b) said that § 87(2)(b) was yelling and crying in

the hallway and tried to leave by going towards the exit door and was using his hands in an expressive manner close to an unidentified officer's face. According to Sgt. Quigley § 87(2)(b) refused verbally by stating that he wasn't going to the hospital. He pulled away from officers when they attempted to handcuff him, flailed his arms, and attempted to flee into the apartment. PO Kwan, PO Leung, and PO Hammutoglu generally corroborated Sgt. Quigley's statement. The AIDED report also corroborated this.

Patrol Guide Procedure 216-05 identifies an emotionally disturbed person as a person who appears to be temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself and others. According to this patrol guide procedure, if an emotionally disturbed person's actions constitute an immediate threat of serious physical injury to himself or others, then police officers must take reasonable measures to terminate such behavior. A taser is used as a non-lethal restraining device to assist with people, who are evincing behavior that might result in physical injury to himself or others (encl. 1A-1F). § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation B-Force: PO Tsz Kwan used physical force against § 87(2)(b)

Allegation C-Force: PO Ali Hammutoglu used physical force against § 87(2)(b)

§ 87(2)(b) alleged that officers dragged him out of the building and to the ambulance. His feet and legs were dragging on the ground. § 87(2)(b) did not have any injuries consistent with the alleged use of force. His medical records only note that he had been tasered. No other injuries were documented. § 87(2)(b) and § 87(2)(b) did not corroborate this. PO Kwan and PO Hammutoglu denied dragging § 87(2)(b) which was corroborated by PO Cox and PO Leung.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

